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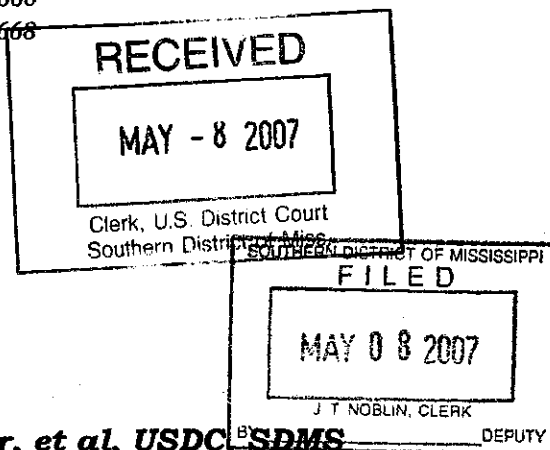
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May 3, 2007

Mr. J. T. Noblin, Clerk
United States District Court for the
Southern District of Mississippi
United States Courthouse
245 East Capitol Street
Jackson, MS 39201



Re: Olivia Y, et al v. Barbour, et al, USDC, SDMS
3:04-cv-00251-TSL-JCS

Our Client: Sacred Heart Ministry for Children, Inc.

Dear Mr. Noblin,

This office represents Sacred Heart Ministry for Children, Inc. and its owners, Joann Wilson and her husband, Joe Wilson (collectively referred to herein as "Sacred Heart"). We file this letter with the Court and counsel, noted on the certificate of service, for the purpose of lodging with the Court, Sacred Heart's comments and objections to the proposed settlement. They are as follows:

I
Comments

As early as July 2003 (my file records), we were retained by Sacred Heart to represent it in its ongoing battle to receive licensure, notwithstanding its full compliance with all regulations imposed upon facilities such as it. The State, through its representatives, during this process, exhibited complete disregard for the safety, health and welfare of the wards entrusted to providers of foster and children's care services.

It is clear based upon the history of the State with this provider and when reading, *in pari materia*, the Amended Complaint and selected records we have

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seen, the egregious conduct of the State was not only systemic but so calculated and purposeful as to literally drive out of business those persons

who, notwithstanding compliance, were forced to shoulder the burden of foster care and related services on their own and in many instances without just compensation.

The culmination of this conduct and we must assume accrorss the board , was to ,at least in the case of Scared Heart March of this year), force providers to close their doors.

II Objections to Proposed Settlement

1. While not a member of the certified class, Scared Heart believes the proposed settlement, Options 1 and 2, does not give proper consideration for the administration of and payment of services to third parties, for benefits to members of the class.

2. More importantly, there are no provisions in the proposed settlement for the reimbursement of past services rendered by providers, such as Sacred Heart, *who were not compensated* for their services by the constant arbitrary manipulation of procedures and tactics designed to avoid payment.

3. The proposed settlement does not address the necessary and complete removal from the DHS and DFCS process those persons who are demonstrably predisposed to continue the discriminatory conduct occurring over the last decade in the Division of Childrens Family Services.

4. The transition and /or remedial process over a five year period is entirely too long and by its terms (i.e. length of time), leaves room for repeat failures.

5. The proposed settlement should *in all respects* address and articulate the violation of "service providers" (such as Scared Heart) constitutional substantive due process rights, violated by the Defendants which are embodied in the evidentiary record created to date, as well as in the agreed stipulated order and settlement (i.e. agreed findings of fact,etc).

6. Provision must be made to the adequate and full access of all discovery documents, records and material to service providers (Scared Heart),

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so that each provider may, without impediment, pursue, at their option, any remedies not covered by the breath and scope of *Olivia Y v. Barbour, et al.*

Having set forth Scared Heart's Comments and Objections herein, this letter, shall further request that I, as Counsel for Sacred Heart, be permitted to appear and speak at the hearing set for May 17, 2007. I am a licensed attorney authorized to appear before this Court.

Respectfully Submitted,

PAUL MATHIS, LLP


Paul Mathis, Jr.

PMJr./tcn

CERTIFICATE OF SERVICE

I, Paul Mathis, Jr., Attorney for Sacred Heart Ministry for Children, Inc. do hereby certify that I have this day via U. S. Postal Service, mailed postage pre-paid, a true copy of the above and foregoing instrument to the following:

Eric Thompson
Children's Rights
330 Seventh Avenue, 4th Floor
New York, NY 10001

Rusty Fortenberry
Baker, Donelson, Bearman, Caldwell
& Berkowitz, PC
4268 I-55 North
Meadowbrook Office Park
Jackson, MS 39211

This, the 4 day of May, 2007.


Paul Mathis, Jr.

